

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

THOMAS M. WILLIAMS,

Plaintiff,

v.

Case No: 6:21-cv-1906-WWB-EJK

HARRIS SANITATION, INC.,

Defendant.

ORDER

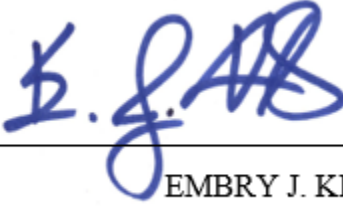
This cause comes before the Court on Plaintiff's Short Form Discovery Motion to Quash Subpoenas Issued After Discovery Deadline (the "Motion"), filed May 11, 2023. (Doc. 45.) Defendant filed its response in opposition to the Motion (Doc. 47); thus, it is ripe for review. Upon consideration, the Motion is due to be denied.

On March 7, 2023, Defendant issued a Notice of Production from Non-parties to Google, LLC, and Cricket Wireless. (Doc. 45-1.) The attached subpoenas had a compliance appearance date of March 31, 2023. (*Id.*) On March 21, 2023, Plaintiff filed a Motion for Protective Order and Quash Subpoena (Doc. 38), which the Court granted to the extent that it held that the subpoena responses should not disclose the content of any phone calls or text messages. (Doc. 40.) On April 5, 2023, Defendant issued revised subpoenas with April 26, 2023, as the date of compliance. (Doc. 47-1.) Plaintiff argues in the Motion that the revised subpoenas should be quashed because they were issued after the discovery deadline. (*See* Doc. 25; Doc. 29.)

Rule 45 of the Federal Rules of Civil Procedure governs a motion to quash a subpoena and provides that, “[o]n a timely motion, the court . . . must quash or modify a subpoena” that falls within outlined parameters. Specifically, Rule 45(d)(2) notes that any objections to a subpoena “must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served.” Fed. R. Civ. P. 45(d)(2)(B). In this instance, Plaintiff filed the Motion fifteen days after the date specified for compliance and over a month after the subpoena was served. (*See* Doc. 45.) Therefore, ironically, the Motion to Quash is not timely. Regardless, the Court clearly allowed the subpoenas to issue after the close of discovery (Doc. 40); therefore, Plaintiff’s timeliness argument is not persuasive.

Accordingly, Plaintiff’s Short Form Discovery Motion to Quash Subpoenas Issued After Discovery Deadline (Doc. 45) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on May 24, 2023.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE